

House Concurrent Resolution 51

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 51, Granting each House permission to adjourn until Monday, March 17, 1947.

The resolution was read and was adopted.

Adjournment

On motion of Senator Weinert, the Senate, at 12:50 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, March 17, 1947.

THIRTY-FIFTH DAY

(Monday, March 17, 1947.)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 13, 1947, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Carney.

Senator Winfield was granted leave of absence for today on account of

a death in his family on motion of Senator Hardeman:

Reports of Standing Committees

Senator Taylor submitted the following report:

Austin, Texas,
March 17, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Finance, to whom was referred House Bill No. 288 instructs me to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TAYLOR, Chairman.

Senator Cousins submitted the following report:

Austin, Texas,
March 17, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred Senate Bill No. 66, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COUSINS, Chairman.

Senate Bill 357 on First Reading

Senator Chadick moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts:

S. B. No. 357, A bill to be entitled "An Act amending House Bill No. 68, Chapter 3, Acts of the Forty-fourth Legislature, Regular Session, 1935, as amended by Senate Bill No. 332, Chapter 123, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended by Senate Bill No. 216, Acts of the Forty-sixth Legislature, Regular Session, 1939; as amended by House Bill No. 503, Chapter 368, Acts of the Forty-eighth Legislature, Regular Session, 1943, as amended by House Bill No. 384, Chapter 206, of the Acts of the Forty-ninth Legislature, Regular Session, 1945; providing for the reorganization and continuation of the Special District Court of Smith and Wood Counties, Texas; as a permanent District Court to be designated as the District Court for the 114th Judicial District of Texas, providing date when said special District Court shall no longer exist, and for the beginning of the District Court of said 114th Judicial District; providing time and terms of holding said District Court; providing for continuous terms of said Court in each County, so that each term shall continue until the beginning of the next term in each county; providing for the appointment, election and qualification of the Judge of the said 114th Judicial District Court of Smith and Wood Counties; providing for the compensation of the Judge of said Court; providing that any appropriation made to pay the salary of the Judge of the Special District Court of Smith and Wood Counties, Texas, as heretofore existing, shall be available to pay the salary of the Judge of the Court as hereby reorganized and continued; providing the District Attorney of the 7th Judicial District of Texas, or in case of his absence or inability, the County Attorney of the County in which said case is pending, shall represent the State in all cases wherein the State of Texas is a party in such District Court as hereby provided; providing for concurrent jurisdiction of said District Court with the 7th District Court in Smith and Wood Counties, and for the general jurisdiction of said Court; and providing for the transfer of cases from each of said Courts to the other in said Counties; providing that the District Clerks of Smith and

Wood Counties, Texas, respectively, shall be clerks of the Court herein created in their respective counties; validating all process, bonds and recognizances issued, made and served before this Act takes effect and making them returnable to the next term of Court of the said District Court of the said 114th Judicial District created by this Act in said Counties and Districts as herein fixed; validating the selection and summoning of Grand and Petit Juries under this Act; and declaring an emergency."

Senate Bill 358 on First Reading

Senator Aikin moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, two bills, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

The following bills then were introduced, read first time and referred to the committees indicated:

S. B. No. 358, A bill to be entitled "An Act to amend Article 666, General and Special Laws of Texas, 48th Legislature, Regular Session of 1943, to provide for a method of selling, disposing or transferring of state property which has become unfit for use, or no longer needed; providing a notice of sale; providing for disposition of monies received from sale; and providing for a final report covering sale and disposition; and declaring an emergency."

To Committee on State Affairs.

By Senators Aikin and Taylor:

S. B. No. 359, A bill to be entitled "An Act making an appropriation out of any moneys in the General Revenue Fund of the State Treasury, not otherwise appropriated, to supplement the regular appropriation to the State Department of Education for the benefit of the Census Division, so that said division may be able to prepare, check, investigate and correct the scholastic census and transfers, providing funds for salaries, wages, contingent, equipment, supplies, printing, and traveling expenses incident thereto, totaling Eight Thousand (\$8,000.00) Dollars, for the remainder of the fiscal year ending August 31, 1947; and declaring an emergency."

To Committee on Finance.

Bills Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 224, A bill to be entitled "An Act amending House Bill No. 855, Chapter 307, Acts of the 49th Legislature, Regular Session, 1945, now appearing as Article 3912-8, providing for compensation for county attorneys, in counties having a population of more than one hundred and ninety thousand (190,000) inhabitants, according to the last preceding Federal census, general or special, where there is no resident district attorney or criminal district attorney; authorizing such county attorneys to appoint assistants and employees and providing for their compensation, providing for transfer of funds; and declaring an emergency."

S. B. No. 105, Making an emergency appropriation for the Adjutant General's Department, State of Texas, for the balance of the fiscal year beginning March 1, 1947, and ending August 21, 1947, being an appropriation available immediately; and declaring an emergency, with amendments.

S. B. No. 166, A bill to be entitled "An Act providing for an open season for hunting buck deer in the Counties of San Augustine, Sabine, Jasper, Newton and Tyler; providing that said deer may be hunted with dogs; providing a penalty for the violation of said Act; repealing all

laws in conflict with this Act; and declaring an emergency."

Co-Author of Bill

Senator Bullock asked unanimous consent to be shown as co-author of Senate Bill No. 299.

There was no objection offered.

Senate Bill 110 on Second Reading

The Senate resumed consideration of unfinished business, same being a motion by Senator Vick made on last Tuesday, March 11, 1947, to place Senate Bill No. 110 before the Senate on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 110, A bill to be entitled "An Act to amend Section 1, Chapter 39, Acts of the Regular Session of the 44th Legislature, regulating petitions in suits for divorce, to require such petitions to state whether there are children, either born or adopted, under sixteen (16) years of age or an unborn child or children expected and if so, to give full information as to such minors, making it the duty of the court having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years (16) of age; to determine and fix the amounts to be paid, the

time of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen (16) years of age, after divorce, providing for the procedure; providing for the filing of sworn monthly reports with the Clerk of the Court for approval by the Judge; providing this Act shall be cumulative of all other laws on the same subject; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Senator Lane, and by unanimous consent, the bill was set as a special order for Monday, March 24, 1947, immediately following the morning call.

Senate Bill 129 With House Amendments

Senator Morris called S. B. No. 129 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Morris, and by unanimous consent, the Senate concurred in the House amendments to the bill.

Senate Bill 172 on Second Reading

Senator Harris asked unanimous consent to suspend the regular order of business to take up Senate Bill No. 172 for consideration at this time.

The President pro tempore announced that there was objection.

Senator Harris then moved that the regular order of business be suspended to take up Senate Bill No. 172 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hardeman
Brown	Harris
Bullock	Hazlewood
Carney	Jones
Crawford	Kelley of Hidalgo

Kelly of Tarrant	Stewart
Moffett	Strauss
Parrish	Taylor
Phillips	Tynan
Proffer	Vick
Ramsey	York
Stanford	

Nays—4

Chadick	Lane
Knight	Morris

Absent

Cousins

Absent—Excused

Mauritz	Winfield
Weinert	

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 172, A bill to be entitled "An Act regulating traffic or travel upon the highways of the State of Texas; prescribing penalties for the violation of the provisions of this Act; containing a savings clause; and declaring an emergency."

The bill was read second time.

Senator Strauss offered the following amendment to the bill:

Amend S. B. 172 by striking out subsection (a) of Section 154.

The amendment was adopted.

Senator Carney offered the following amendment to the bill:

Amend Senate Bill 172 by striking out Art. 5 on page 9 of the printed bill.

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend S. B. No. 172, Sec. 150, Sec. (b) by striking out lines 43 through 45 known as Sec. B.

The amendment was adopted.

Senator Chadick moved to postpone further consideration of the bill until next Monday, March 24, 1947, immediately following the morning call.

Senator Harris moved to table the motion to postpone the bill.

Senator Harris withdrew the motion to table.

Senator Chadick then withdrew the motion to postpone.

Question—Shall the bill be passed to engrossment?

On motion of Senator Aikin, and by unanimous consent, the bill was set as a special order for Tuesday, March 18, 1947, immediately following the morning call.

Senate Bill 250 on Second Reading

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 250, A bill to be entitled "An Act to appropriate funds to the State Department of Agriculture for the purpose of carrying out the provisions of the certain prior Acts of the Legislature, such funds to be appropriated for the remainder of the fiscal year ending August 31, 1947, and being supplementary to the appropriation granted by Senate Bill No. 317, Acts of the 49th Legislature, Regular Session; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 250 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 250 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

The President pro tempore then

laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

Senate Bill 228 on Second Reading

On motion of Senator Proffer, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 228, "An Act to amend Section 4 of Article 265-a of the Revised Civil Statutes of Texas, same being Chapter 237, page 351, Acts of the Fortieth Legislature, 1927, so as to authorize the governing boards of the various state institutions of higher learning to charge certain fees from all students to cover the costs of student services; naming the student services included; limiting the amount of said fee; validating certain fees and charges previously collected, charged or attempted to be collected; providing a savings clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 228 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 228 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 228 by striking out the words and figures "Fifteen (\$15.00) Dollars" wherever same appears in the body of the Bill and substituting in lieu thereof the words and figures "Twenty (\$20.00) Dollars."

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	York

Absent—Excused

Mauritz	Winfield
Weinert	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 17, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate:

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 39. The House appointed the following: Timmons, Swanson, Craig, Gathings, Templeton.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Providing for Resolution In Memory of Honorable A. F. Winfield

Senator Aikin moved that a committee of three Members of the Senate be appointed to prepare a resolution in memory of Honorable A. F. Winfield, and that when the Senate adjourns today it do so in memory of Mr. Winfield.

The motion prevailed.

The President pro tempore, accordingly, appointed Senators Aikin, Hardeman and Taylor as members of the committee.

Adjournment

On motion of Senator Aikin, the Senate, at 12:00 o'clock m., adjourned until 10:00 o'clock a. m., tomorrow.

THIRTY-SIXTH DAY

(Tuesday, March 18, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Hazlewood
Brown	Jones
Bullock	Kelley of Hidalgo
Carney	Knight
Chadick	Lane
Cousins	Moffett
Crawford	Morris
Hardeman	Parrish
Harris	Phillips